HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 18446 OF 1999

Between:

V. Krupakar

..... Petitioner

AND

The A.P. Transmission Corpn. Limited,
Rep. By its Managing Director,
Hyderabad & another

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri P. Sridhar Rao

Counsel for the respondents : Shri Samineni Kishore

Dated: 26.12.2006

This petition is the second round of litigation instituted by the petitioner for his appointment as Junior Lineman in the services of the erstwhile Andhra Pradesh State Electricity Board (for short 'the Board').

A perusal of the record shows that Writ Petition No.29137 of 1997 filed by the petitioner and others for issue of a direction to the respondents to consider his case for appointment to the post of Junior Lineman was disposed of by the learned Single Judge on 04.11.1997 with the direction that the candidature of the petitioners be considered in accordance with the provisions contained in B.P.Ms.No.36 dated 18.05.1997. In compliance of the Court's order, the petitioner was interviewed on 12.04.1998, but his candidature was rejected on the ground that he does not possess the essential qualifications prescribed for the post of Junior Lineman and also on the ground that he was not on the rolls of the contractor on 18.05.1997.

Although the respondents have not filed counter-affidavit, I do not consider it necessary to defer adjudication of the writ petition because after hearing learned counsel for the parties and perusing the record

and going through B.P.Ms.No.1048 dated 23.09.1989 and memo No.DP/DM-1/A2/762/94-1 dated 23.10.1994, I am convinced that the rejection of the petitioner's candidature does not suffer from any constitutional or legal infirmity. For the sake of convenient reference, B.P.Ms.No.1048 dated 23.09.1989 vide which qualifications were prescribed for the post of Helper and memo dated 23.10.1994 by which the post of Helper was re-designated as Junior Lineman are reproduced below:

"B.P.Ms.No. 1048:

Proceedings:

As per the existing O.S.S. Non-Statutory Rules the following are the qualifications prescribed for the post of Helper.

i) Ability to read and write.

ii) One year practical experience either in O&M/Construction works.

The above qualifications were prescribed in the year 1958 and continued as such till todate. But the time of prescribing the above qualifications there were no qualified candidates. But, in view of the above circumstances, several persons with academic qualifications and technical qualifications are available now. It is therefore considered desirable to prescribe higher qualifications for direct recruitment of Helpers.

The A.P. State Electricity Board after careful consideration prescribes the following qualifications for the post of Helpers.

i) A pass in SSLC/SSC/10th class;

ii) A pass in ITI preferably with Electrician Trade or

iii) Vocational course in Electrical trade.

These orders will come into effect from the date of issue."

" **REDESIGNATIONS & CHANGE OF NOMENCLATURE**

ANDHRA PRADESH STATE ELECTRICITY BOARD VIDYUTSOUDHA:: HYDERABAD -49

Memo No.DP/DM-1/A2/762/94-1: Dated: 23.10.1994

Sub: Establishment –APSEB – O&M/Const. Estt. change of Designation of Helper as Jr. Lineman and Jr. Plant Attendant – Orders – Issued.

The issue regarding redesignation of Helper is under consideration of the Board since long back.

2.After careful consideration the APSE Board directs that posts of 'Helper' in O&M/Construction establishment shall be redesignated as indicated below:

i) 'Junior Lineman' – in Operation circles/TLC/Construction circles etc;

ii) 'Junior Plant Attendent' – in Generating Stations/Projects.

3. However there shall be no change in functions and duties, service conditions etc; and these orders are only mere redesignation of the posts.

4. These orders shall come into force with immediate effect."

A conjoint reading of the above re-produced

documents shows that SSLC/SSC/10th class pass and ITI in Electrician trade or vocational course were essential qualifications for recruitment as Junior Lineman. The petitioner is 12th passed, but he is not shown to have passed ITI in the trade of Electrician or vocational course in the said trade. Therefore, there is no escape from the conclusion that the petitioner was not eligible to be considered for appointment as Junior Lineman and respondent No.2 did not commit any illegality by rejecting his candidature.

As a sequel to the above, I hold that the Court cannot issue a mandamus to the respondents to appoint the petitioner as Junior Lineman and the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition, W.P.M.P.No. 23052 of 1999 filed by the petitioner for interim relief is also
dismissed.

G.S.SINGHVI, CJ

26.12.2006
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